

Office of Environmental Quality Control

THE ENVIRONMENTAL NOTICE

*A Semi-Monthly Bulletin published pursuant to
Section 343-3, Hawai'i Revised Statutes*

David Y. Ige, Governor
Scott Glenn, Director

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813
Telephone: (808) 586-4185 • Fax: (808) 586-4186
Toll Free: Kaua'i (800) 274-3141, ext. 64185
Moloka'i/Lanai (800) 468-4644, ext. 64185
Hawai'i (800) 974-4000, ext. 64185
Maui (800) 987-2400, ext. 64185
Email: oeqchawaii@doh.hawaii.gov
Website: <http://health.hawaii.gov/oeqc>

May 23, 2016

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i. This is mandated under [Section 343-3, Hawai'i Revised Statutes](#) (HRS), the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



As an advocate for a safe aviation industry, the Airports Division (State of Hawai'i Department of Transportation), in conjunction with the Office of Planning (Department of Business, Economic Development, and Tourism), and the Federal Aviation Administration (FAA), is developing a [technical assistance memorandum](#) to mitigate the potential vulnerabilities to flight paths from wildlife, glint/glare and aerial obstruction hazards. Accordingly, on a continuing basis, the Airports Division and FAA seek to consult with proponents of various land use proposals within 5 miles of State airports to evaluate the effect of proposed land uses on aviation safety. As a reminder, Hawai'i's environmental review process established pursuant to Chapter 343, HRS requires pre-consultation with relevant agencies early in the preparation of environmental assessments, so there already is an established protocol for relevant projects to be brought to the attention of the Airports Division and the FAA. Land use practices that may attract hazardous wildlife, or may be a glint/glare or aerial obstruction hazard to existing flight paths may include, but are not limited to:

- Underwater waste discharges
- Aquaculture activities conducted outside of fully enclosed buildings
- Water features on properties such as fountains or ponds, areas of permanent or temporary standing water, and furrow irrigation and drainage systems
- Landfills and material recycling/processing facilities
- Photovoltaic/Solar panels
- Utility poles and lines
- Wind turbines
- Antenna towers
- High rise building structures
- Cranes
- Tethered Air Balloon Devices
- Street and exterior property lights
- Certain landscape, trees, and ground cover

Even when not subject to Chapter 343, HRS, relevant proposed land uses shall be routed to the Airports Division and the FAA for evaluation and review regarding aviation safety.

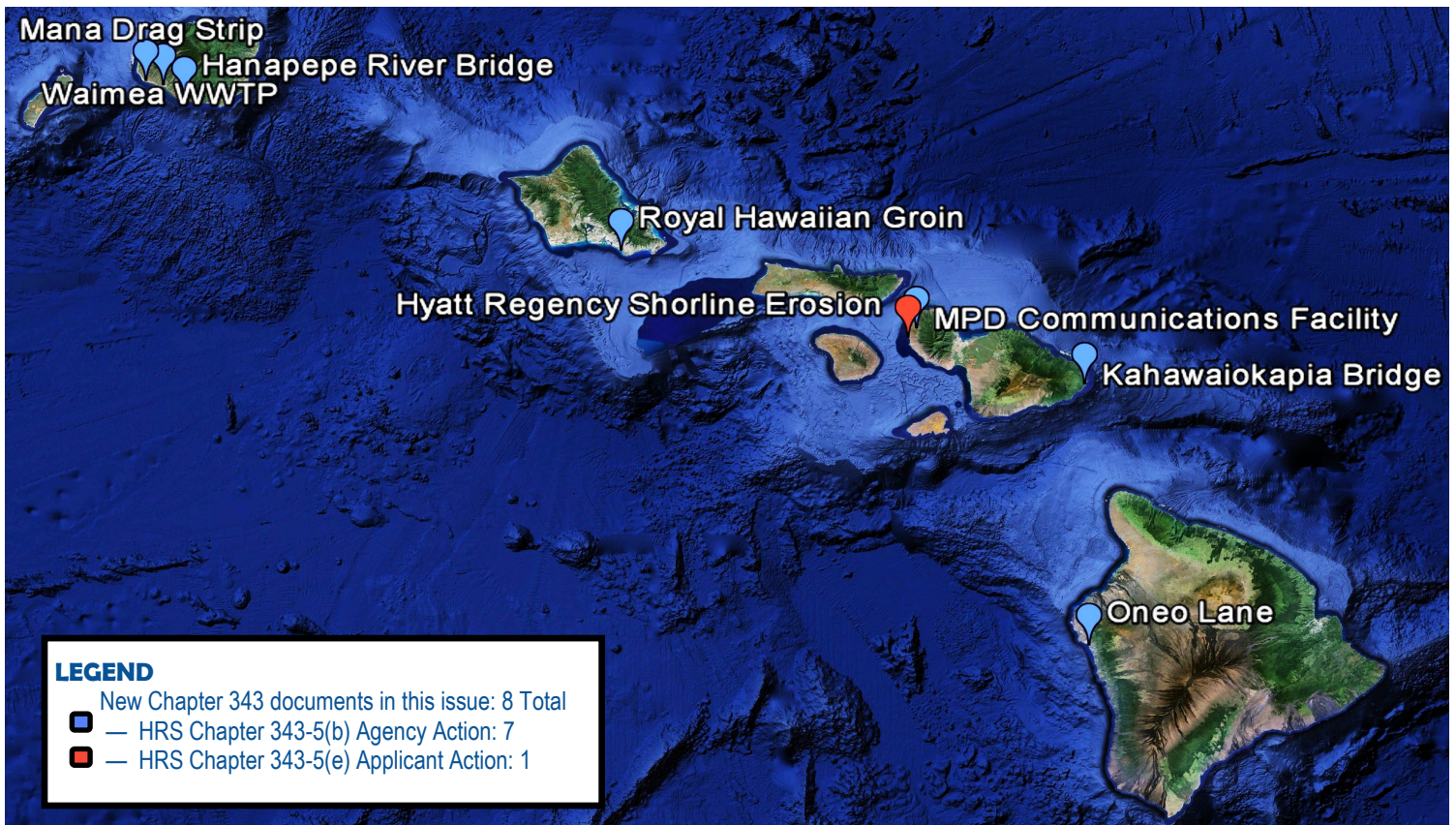


TABLE OF CONTENTS

FRONT PAGE	1
TABLE OF CONTENTS.....	2
STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS	3
HAWAII	
1. <u>Ōneo Lane (FEA/FONSI)</u>	4
MAUI	
2. <u>Kahawaiokapi'a Bridge Replacement (Draft EA/AFNSI)</u>	4
3. <u>Maui Police Department Communications Facility at Māhinahina WTP (DEA/AFNSI)</u>	5
4. <u>Hyatt Regency Temporary Slope Stabilization (DEA/AFNSI)</u>	5
O'AHU	
5. <u>Royal Hawaiian Groin Improvement Project (FEA/FONSI)</u>	6
KAUAI	
6. <u>Hanapepe River Bridge Replacement (DEA/AFNSI)</u>	7
7. <u>Waimea R-1 Water Distribution System (DEA/AFNSI)</u>	7
8. <u>Mana Drag Strip Improvements (Withdrawal of FEA/FONSI)</u>	8
OPEN HRS CHAPTER 343 DOCUMENTS.....	8
CHAPTER 343 HRS, EXEMPTION LIST CONCURRENCE.....	9
CHAPTER 25 , REVISED ORDINANCES OF HONOLULU	
<u>Kalaheo High School Athletic Field Improvements FEA (FONSI)</u>	9
<u>Kihapai Place Apartments FEA (FONSI)</u>	9
CONSERVATION DISTRICT USE APPLICATIONS.....	10
APPLICATION FOR ACCRETION	
<u>Charles M. Bostwick, et al. v. David Lokana Keku Opio, et al.,</u>	10
COASTAL ZONE MANAGEMENT NOTICES	
<u>Federal Consistency Review</u>	11
<u>Special Management Area Permits</u>	11
SHORELINE NOTICES	
<u>Shoreline Certification Applications</u>	12
<u>Shoreline Certifications and Rejections</u>	12
FEDERAL NOTICES	13
GLOSSARY	14



STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS



HAWAII

1. Ōneo Lane (FEA/FONSI)

HRS §343-5 Trigger(s): Use of county funds

District: North Kona

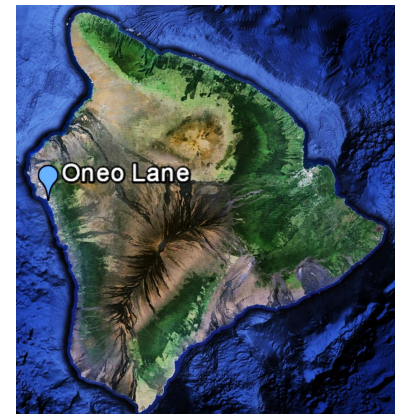
TMK: 7-5-009:021, 022, 023, and 025; and roadway right-of-way

Permits: Special Management Area and National Pollutant Discharge Elimination System

Proposing/Determining Agency: County of Hawai'i, Department of Public Works
Ben Ishii, Aupuni Center, 101 Pauahi St., Suite 7, Hilo, HI 96720
Ben.Ishii@hawaiicounty.gov (808) 961-8327

Consultant: WSP | Parsons Brinckerhoff;
Rachel Adams, 1001 Bishop St., Suite 2400, Honolulu, HI 96813
AdamsRa@pbworld.com (808) 566-2257

Status: Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action.



The County of Hawai'i is proposing the construction of Ōneo Lane from Kuakini Highway to Ali'i Drive. The project is being proposed to provide additional mauka-makai connectivity/mobility within the area and relieve traffic congestion at the Hualālai Road/Ali'i Drive intersection by redirecting some traffic off Ali'i Drive and onto Kuakini Highway. The project is a portion of the "Nani Kailua Road Extension Project" that has been envisioned in planning documents, including the Kona Community Development Plan.

Ōneo Lane is proposed to consist of two through lanes, one in each direction, a center turn lane, bike lanes, and sidewalks. The entire length of the proposed alignment is currently undeveloped vacant land. The primary considerations in selecting the proposed roadway alignment were avoiding historic sites and minimizing impacts to land owners.

MAUI

2. Kahawaiokapi'a Bridge Replacement (Draft EA/AFNSI)

HRS §343-5
Trigger(s):

Use of county lands & funds

District:

Hana

TMK:

Hana Highway right-of-way (por.), (2) 1-4-010:013 (por.), (2) 1-4-011: 055 (por.)

Permits:

Section 404 Nationwide Permit

Section 10 Permit

Compliance with Executive Order 11988, Floodplain Management

National Environmental Policy Act Categorical Exclusion

Section 7 of the Endangered Species Act

Section 106 of the National Historic Preservation Act

Section 4(f) of the Department of Transportation Act of 1966

Section 401 Water Quality Certification

National Pollutant Discharge Elimination System Permit

Noise Permit

Chapter 6E, Hawaii Revised Statutes

Stream Channel Alteration Permit

Coastal Zone Management Federal Consistency Certification

Special Management Area Use Permit

Special Flood Hazard Area Development Permit

Grubbing and Grading Permit

Permit to Perform Work within County Right of Way


**Proposing/
Determining
Agency:**

County of Maui, Department of Public Works; David Goode, 200 S. High Street, 4th Floor, Wailuku, HI 96793
david.goode@mauicounty.gov (808) 270-7845

Consultant:

Wilson Okamoto Corporation; Milton Arakawa, 1907 S. Beretania St., Suite 400, Honolulu, HI 96826
marakawa@wilsonokamoto.com (808) 946-2277

Status:

Statutory 30-day public review and comment period starts; comments are due by June 22, 2016. Please send comments to the Proposing/Determining Agency, and copy the consultant.

The proposed replacement of Kahawaiokapi'a Bridge is based on the recommendations presented in the The Final Preservation Plan for County of Maui Bridges within the Hana Highway Historic District. Like the existing bridge, the proposed bridge will be a one-lane bridge accommodating two-way traffic in consonance with the rural context of the district. The proposed bridge structure will consist of concrete girders and slab which result in a vehicular travelway of 16 feet in width between railings. The railing is envisioned as a solid concrete parapet 43 inches in height above roadway level resembling the original. Concrete slabs topped with asphalt concrete pavement, each approximately 20 feet in length, are proposed to abut both approaches to the bridge. Mauka and makai sides of the approach slab would have a concrete guardwall with stone masonry fascia. The abutting roadway would be resurfaced with the installation of guardrails on both sides of the roadway, with longer lengths of guardrails on the curved Kīpahulu approach. Prior to demolishing the existing bridge, a temporary single lane steel panel bypass bridge is proposed to ensure continuous vehicular access throughout construction. Upon completion of the replacement bridge, the temporary bridge will be removed.



3. Maui Police Department Communications Facility at Māhinahina Water Treatment Plant (DEA/AFNSI)

HRS §343-5

Trigger(s): Use of State land and County funds
District: Lāhainā
TMK: (2) 4-3-001:084 (por.) and 4-4-002:018 (por.)
Permits: Federal Communications Commission licenses/ approvals; National Historic Preservation Act Section 106 approval; Endangered Species Act Section 7 approval; State Department of Health Noise Permit, as applicable; Department of Public Works Building Permit and related permits; Department of Public Works Grading Permit

**Proposing/
Determining
Agency:**

County of Maui, Maui Police Department
 Walter H. Pacheco, 55 Mahalani St., Wailuku, HI 96793; Walter.Pacheco@mpd.net (808) 244-6529

Consultant: Munekiyo Hiraga; Marisa Fujimoto, 305 High Street, Suite 104, Wailuku, HI 96793
planning@munekiyohiraga.com (808) 244-2015

Status: Statutory 30-day public review and comment period starts; comments are due by June 22, 2016. Please send comments to the Proposing/Determining Agency, and copy the consultant.



The MPD-owned and operated facility will provide secure radio transmissions via microwave and land mobile radio (LMR) systems. It will support the County's voice and data network serving West Maui, Lāna'i, and Moloka'i, including transmissions for first responder emergency communications. The facility will also provide LMR coverage to the coastal areas of West Maui for County of Maui and State of Hawai'i agencies.

The proposed communications facility will be located at the County of Maui Department of Water Supply's (DWS) Māhinahina Water Treatment Plant, approximately 1.25 miles southeast of the Kapalua Airport. The proposed facility will include a small prefabricated single-story equipment building with a radio room approximately 160 square feet in area and a self-supported communication tower, approximately 60 feet in height. The facility will be built within the secured area of the Māhinahina Water Treatment Plant.

4. Hyatt Regency Temporary Slope Stabilization (DEA/AFNSI)

HRS §343-5

Trigger(s): Use of Conservation District
District: Lāhainā
TMK: (2) 4-4-013:008
Permits: Conservation District Use Permit, Special Management Area Permit

**Approving
Agency:**

Department of Land and Natural Resources
 Tiger Mills, DLNR-OCCL Kimberly.Mills@hawaii.gov
 (808) 587-0377; 1151 Punchbowl Street, Room 131,
 Honolulu, HI 96813

Applicant: Host Hotels and Resorts, Inc.
 Bryan Thrush bryan.thrush@hosthotels.com
 (240) 744-5288; 6903 Rockledge Drive, Suite 1500,
 Bethesda, MD 20817

Consultant: Sea Engineering, Inc.; Chris Conger cconger@seaengineering.com (808) 259-7966
 Makai Research Pier, Waimanalo, HI 96795

Status: Statutory 30-day public review and comment period starts; comments are due by June 22, 2016. Please send comments to the Approving Agency, and copy the consultant and applicant.



The shoreline fronting the Hyatt Regency Maui (Hyatt) has been chronically eroding for decades, with a significant acceleration in erosion during the past decade. Ongoing erosion pressure on the shoreline is threatening backshore infrastructure including the Kaanapali Beachwalk (Beachwalk), which is the public coastal access path extending continuously from Hanakao Beach Park to Kekaa Point.

Though the long-term plan for the region is focused on beach maintenance, intense erosion is currently threatening a significant length of the Beachwalk and backshore infrastructure today. As the Beachwalk is progressively undermined, a public health, welfare, and safety concern is rapidly evolving. In addition, significant backshore infrastructure will be imminently threatened if the Beachwalk fails in the project area.

The proposed action consists of a temporary geotextile sandbag slope stabilization along approximately 250 ft of shoreline where the Beachwalk is imminently-threatened. Analysis of possible alternatives actually results in selection of a rock revetment as the preferred solution for the shoreline; however, given the regulatory and social perception of these structures as temporary or mid-term solutions, the less imposing alternative of a synthetic sandbag structure is proposed. The primary intent of the preferred alternative is to mitigate the impacts of ongoing erosion to coastal lateral access and public health, welfare, and safety, while the long-term beach maintenance project is undergoing design, planning, and permitting.

O'AHU

5. Royal Hawaiian Groin Improvement Project (FEA/FONSI)

HRS §343-5

Trigger(s):

State Land, Conservation District Use Permit, Shoreline Area, Waikiki Special District

District:

Honolulu

TMK:

Seaward of (1) 2-6-002:005 & 006

Permits:

Conservation District Use Permit, Clean Water Act Section 401 Water Quality Certification, Coastal Zone Management Act Federal Consistency Determination, Department of the Army Permit (Section 10 and Section 404), Chapter 343 Environmental Document

**Proposing/
Determining
Agency:**

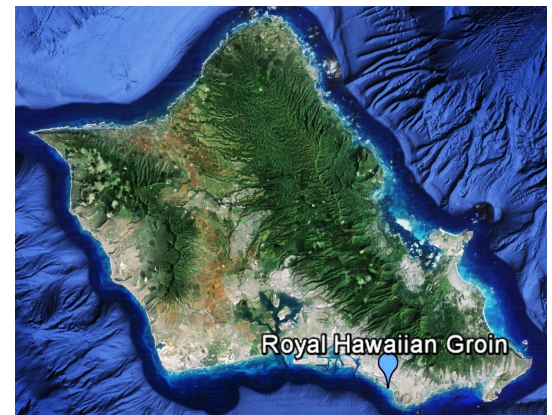
Department of Land and Natural Resources
Samuel Lemmo; sam.j.lemmo@hawaii.gov (808) 587-0377
1151 Punchbowl St., Room 131, Honolulu, HI 96809

Consultant:

Sea Engineering, Inc.; Scott Sullivan, Vice President;
ssullivan@seaengineering.com (808) 259-7966
Makai Research Pier, Waimanalo, HI 96795

Status:

Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action.



The existing Royal Hawaiian groin, located between the Waikiki Sheraton and Royal Hawaiian hotels, is in an extremely deteriorated condition. Its failure would result in the destabilization and loss of 1,730 feet of sandy shoreline located to the east of the groin. The Department of Land and Natural Resources proposes to replace the existing Royal Hawaiian groin with a stable, engineered, rock, rubble-mound groin. The objective of the proposed project is to maintain the beach so that it can provide its intended recreational and aesthetic benefits, facilitate lateral access along the shore, and provide a first line of defense to the backshore in the event of storm wave attack. The groin would be designed so as to maintain the approximate beach width of the 2012 Waikiki Beach Maintenance Shoreline Nourishment project. No significant enlargement of the beach is proposed.

Four options for a new groin are proposed: 1) a new 180-foot long rock L or T-head groin, 2) a new 280-foot long rock L or T-head groin, 3) adaptive re-use of the existing groin as the core of a new rock L-head groin, and 4) a vertical concrete wall groin. Selection of the preferred option will be determined during the Conservation District Use Permit review process.



KAUA'I

6. Hanapepe River Bridge Replacement (DEA/AFNSI)

HRS §343-5

Trigger(s):

Use of State lands and funds

District:

Waimea

TMK:

[4] 1-9-007: 001 por., Hanapepe River, :013 por., & :034 por.; [4] 1-9-010: 014 por., :015 por., :046 por., & :050 por.: Kaumualii Highway and Iona Road Rights-of-Way

Permits:

Department of the Army Permit (Clean Water Act Section 404 and Rivers and Harbors Act Section 10), U.S. Army Corps of Engineers Section 408 Approval, Section 401 Water Quality Certification, Stream Channel Alteration Permit, National Historic Preservation Act Section 106/HRS 6E Consultation, Endangered Species Act Section 7 Consultation, Essential Fish Habitat Consultation, Coastal Zone Management Act Consistency Review, National Pollutant Discharge Elimination System Permit, Occupancy and Use of State Highway Right of Way Permit, Community Noise Permit/Variance, Grading/Grubbing/Stockpiling Permit

Proposing/ Determining Agency:

State of Hawaii, Department of Transportation, Christine Yamasaki christine.yamasaki@hawaii.gov (808) 692-7548; 869 Punchbowl St., Honolulu, HI 96813

Consultant:

CH2M HILL (under contract to Federal Highway Administration, Central Federal Lands Highway Division) Kathleen Chu kathleen.chu@ch2m.com (808) 440-0283; 1132 Bishop St., Suite 1100 Honolulu, HI 96813

Status:

Statutory 30-day public review and comment period starts; comments are due by June 22, 2016. Please send comments to the Proposing/Determining Agency, and copy the consultant.



The State of Hawaii Department of Transportation proposes to replace the Hanapepe River Bridge on the island of Kauai. This project would replace the existing three-span structure with a slightly longer and wider three-span bridge that would accommodate two 12-foot travel lanes, two 8-foot shoulders, and two 5-foot sidewalks. A temporary two-lane bypass route would be provided on the *mauka* (mountainward) side of the highway throughout construction. The project also includes scour protection, supporting walls and slopes, utility relocations, and temporary staging areas. This project would improve mobility for highway users, address existing structural deficiencies, and meet current design standards for roadway width, load capacity, barrier railing and transitions, and approach roadways.

This project would not result in significant adverse impacts to protected plant and animal species. The proposed bridge railings and an arched substructure are intended to reflect the aesthetics and historic character of the existing bridge such that impacts to historic and visual resources would be less than significant. Because highway capacity would not increase, the project would not result in secondary or cumulative effects on land use or population growth. Short-term construction impacts, such as noise, dust, and erosion, would be mitigated through best management practices.

7. Waimea Wastewater Treatment Plant R-1 Recycled Water Distribution System (DEA/AFNSI)

HRS §343-5

Trigger(s):

Use of county lands and funds

District:

Waimea

TMK:

(4) 1-2-006:036, 009 (por.)

Permits:

Section 7 of the Endangered Species Act, National Environmental Policy Act Categorical Exclusion, National Pollutant Discharge Elimination System Permit, Coastal Zone Management Federal Consistency Certification, State Department of Transportation Oversize/Overweight Load Limit, Section 106 of the National Historic Preservation Act, Chapter 6E, Hawai'i Revised Statutes, Grading/Grubbing Permit, Building Permit

Proposing/ Determining Agency:

County of Kauai, Department of Public Works, Division of Wastewater Management Edward Tschupp etschupp@kauai.gov (808) 241-4084; 4444 Rice St., Suite 275, Lihue, Hawaii 96766



Consultant: Wilson Okamoto Corporation; Milton Arakawa marakawa@wilsonokamoto.com (808) 946-2277
1907 South Beretania St., Suite 400, Honolulu, HI 96826

Status: Statutory 30-day public review and comment period starts; comments are due by June 22, 2016. Please send comments to the Proposing/Determining Agency, and copy the consultant.

The County of Kaua'i Department of Public Works Division of Wastewater Management proposes to install an R-1 recycled water distribution system in Waimea, Kaua'i. Construction of the system would involve installing a 400,000 gallon recycled water storage tank, and a recycled water pump station on the existing Waimea Wastewater Treatment Plant (WWTP) site. The storage tank will be approximately 55 feet in diameter and 25 feet in height located in the southeast corner of the WWTP site. Associated improvements involve replacing a portion of an existing pipeline and adding new service laterals and water meters to connect to customer property.

The distribution line will be located within an existing sewer easement and will provide recycled water for irrigation to Waimea Canyon Middle School and Waimea Athletic Field. The associated improvements will involve approximately 1,700 linear feet of the existing 10-inch transite transmission pipeline that will either be replaced in the same pipeline trench with an 8-inch PVC pipe or relined using Cured in Place Pipe (CIPP) technology. Another portion of the distribution line extends approximately 250 feet within an existing sanitary sewer easement adjacent to Waimea Athletic Field.

8. Mana Drag Strip Improvements (Withdrawal of FEA/FONSI)

HRS §343-5

Trigger(s): (1) Use of State lands and funds (2) Use within conservation district

District: Waimea

TMK: (4) 1-2-002: 009, 036 & 040

Permits: Conservation District Use Permit, Shoreline Setback Determination, Special Management Area Permit, National Pollutant Discharge Elimination System Permit

Proposing/ Determining

Agency: Department of Land and Natural Resources, Engineering Division
Adrian Chang adrian.n.chang@hawaii.gov (808) 587-0260
1151 Punchbowl St., Room 221, Honolulu, HI 96813

Consultant: The Limtiaco Consulting Group; Kyle Kaneshiro kyle@tlcghawaii.com (808) 596-7790
1622 Kananui St., Honolulu, HI 96817

Status: NOTICE TO WITHDRAW: The Department of Land and Natural Resources is withdrawing the Final Environmental Assessment –Finding of No Significant Impact (FEA-FONSI) for the Mana Drag Race Strip Electrical and Lighting Upgrades project, published in *The Environmental Notice* on March 23, 2016.

The FEA-FONSI was inadvertently published prior to its approval by the Board of Natural Land and Natural Resources (BLNR). If approved by the BLNR, the FEA-FONSI will be re-published in a subsequent issue of *The Environmental Notice*.



OPEN HRS CHAPTER 343 DOCUMENTS

Status: Public comment period for these projects began previously; comments are due June 7, 2016, unless otherwise noted. Please send comments to the relevant agency and copy any relevant applicant or consultant.

- [Hilea and Ninole Bridge Replacement DEA](#)
- [Hawai'i State Hospital, Patient Facility, O'ahu EISPN](#)
- [Honouliuli WWTP Facilities Plan DEIS \(Comments are due June 22, 2016\)](#)
- [Kaka'ako Makai Parks Active Use Facilities Master Plan DEIS \(Comments are due June 22, 2016\)](#)
- [Lima Ola Work Force Housing Development DEA](#)
- [Puupae Bridge Replacement DEA](#)
- [Na Pua Makani Wind Project 2nd DEIS and Appendices 1, 2, and 3](#)

CHAPTER 343, HRS EXEMPTION CONCURRENCE

Pursuant to the provisions of Section 11-200-8, Hawai'i Administrative Rules, the Environmental Council of the Department of Health has reviewed and concurred upon the following agency exemption lists. The Environmental Council's date of concurrence is posted on each list. Please click on the link to view / download a copy of each list.

- 1) [County of Hawai'i, Department of Public Works \(May 10, 2016\)](#)
- 2) [City and County of Honolulu, Department of Design and Construction \(May 10, 2016\)](#)

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Kalaheo High School Athletic Field Improvements FEA (FONSI)

District: Ko'olaupoko
TMK: (1) 4-4-034:024, 028, 029
Permits: Special Management Area, NPDES Permit for Construction Related Discharges, Grading Permit, Building Permit
Approving Agency: City and County of Honolulu, Department of Planning and Permitting, 650 S. King St, 7th Floor, Honolulu, HI 96813
Proposing Agency: State of Hawai'i, Department of Education, P.O. Box 2360, Honolulu, HI 96804
 Cheng-Hsin Chang (808) 586-0481
Consultant: Fukunaga & Associates, Inc.; Lance Fukumoto (808) 944-1821
 1357 Kapiolani Blvd., Suite 1530, Honolulu, HI 96814
Status: Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action.



The proposed project will improve the existing athletic field at Kalaheo High School. The improvements involve reconstructing the existing football field as a football/soccer field in combination with new bleachers and walkways, including drainage and irrigation improvements and new field equipment. The project will benefit the community by providing the school with the basic facilities to meet its program needs, thereby removing the limitations on its physical education program. The proposed project will have minor short term construction impacts on noise and air quality. No long term impacts are expected.

Kihapai Place Apartments FEA (FONSI)

District: Ko'olaupoko
TMK: (1) 4-3-58: 47, 48, and 65
Permits: Special Management Area (SMA) Use Permit Major, Building Permits, Grading, Trenching and Stockpiling Permits, and Sewer Connection Permits
Approving Agency: City and County of Honolulu, Department of Planning and Permitting, Steve Tagawa (808) 768-8024
 650 S. King St, 7th Floor, Honolulu, HI 96813
Applicant: Kihapai Hui, LLC; Gail Berengue (808) 861-5925, 1050 Bishop St. Suite 303, Honolulu, HI 96813
Consultant: Lee Sichter LLC; Lee Sichter (808) 382-3836, 45024 Malulani St. Room 1, Kaneohe, HI 96744
Status: Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action.



The Applicant proposes to construct a four-story building, with 42 one-bedroom apartment units on a recently consolidated 24,593-square-foot parcel located at 734 & 735 Kihapai Place. The site is in the Special Management Area (SMA), and is a vacant lot in the Coconut Grove Tract of Kailua, zoned A-2 Medium Density Apartment District, bordering the makai side of the Kawai Nui Marsh and the flood protection levee. The development will provide 58 at-grade parking stalls, including five visitor and two ADA accessible stalls, and will include landscaping and a required park area. The Project has an estimated cost of \$8 million and is anticipated to take one year to complete once construction begins. An SMA Use Permit is required from the Honolulu City Council.

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in The Environmental Notice.

Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the [OCCL website](#).

File No.:	CDUA OA-3769
Name of Applicant:	Frederic Berg
Location:	Submerged Land Offshore of Honolulu, O'ahu
Tax Map Plat:	(1) 2-1-060:
Proposed Action:	Moderate Alteration to the Honolulu Sea Water Air Conditioning (HSWAC) Project
343, HRS determination:	Notice of the Final Environmental Impact Statement for the HSWAC project was published in the September 23, 2009 issue of The Environmental Notice
Applicant's Contact:	Frederic Berg: (808) 284-4221
OCCL Staff Contact:	Tiger Mills (808) 587-0382

File No.:	CDUA HA-3765
Name of Applicant:	Watkins Sunderland Family Trust
Location:	North Kohala District, Island of Hawai'i
TMKs:	(3) 5-4-009:020
Proposed Action:	Tree Windbreak / Landscaping
343, HRS determination:	Exempt
Applicant's Contact:	Jean Sunderland (808) 889-6336
OCCL Staff Contact:	Alex J. Roy (808) 587-0316

APPLICATION FOR ACCRETION

As directed by Section 343-3, HRS, applications for the registration of land by accretion pursuant to HRS sections 501-33 or 669-1(c) for any land accreted along the ocean shall be published in The Environmental Notice.

Project Name:	Charles M. Bostwick, et al. v. David Lokana Keku Opio, et al. , Circuit Court of the Second Circuit, Civil No. 16-1-0221(2)
Applicable Law:	Quiet Title Action for Accretion under Chapter 669, H.R.S.
Type of Document:	Complaint; Exhibits "A" & "B"; Summons
Island:	Molokai
TMK:	(2) 5-6-011-023 and (2) 5-6-008-016
Applicant:	Plaintiffs Charles M. Bostwick and Prindi A. Flug c/o W. Keoni Shultz, Esq., Cades Shutte LLP 1000 Bishop Street, Suite 1200 Honolulu, HI 96813
Authority:	Circuit Court of the Second Circuit
Status:	Complaint filed April 27, 2016

YOU ARE HEREBY NOTIFIED that Plaintiffs CHARLES M. BOSTWICK; and PRINDI A. FLUG, have filed a complaint in the Second Circuit Court, State of Hawaii, Civil No. 16-1-0221(2), to quiet the title to that certain parcel of land described in and covered by Apana 1 of Land Commission Award No. 8103 to HAWAII (k), and the land accreted thereto, within the lands identified as Tax Map Key No. (2) 5-6-011-023, containing 1.352 acres, more or less, and Tax Map Key No. (2) 5-6-008-016, containing 1.305 acres, more or less, all situate, lying and being at Kapualei, Molokai, County of Maui, State of Hawaii.

COASTAL ZONE MANAGEMENT NOTICES

Federal Consistency Review

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804

Email: john.d.nakagawa@hawaii.gov

Kalaeloa Artificial Reef, 'Ewa, O'ahu

Proposed Action: Establish an artificial reef site on the seafloor offshore from Kalaeloa, 'Ewa, O'ahu. The proposed artificial reef site will comprise an approximately 109-acre area located in water depths of 60 to 120 feet that is mostly devoid of coral and valuable marine habitat. At least two separate sets (piles) of concrete Z-blocks will be placed on the ocean floor, approximately 100 feet apart. A total of approximately 700-800 Z-blocks will be used for the first increment and will cover a seafloor area of about 8,000 square feet. The artificial reef will provide shelter and surface area that will improve marine habitat quality at the site.

Location: 1.25 miles offshore Kalaeloa, 'Ewa, O'ahu

Applicant: State Department of Land and Natural Resources, Division of Aquatic Resources

Applicant Contact: Mr. Paul Murakawa, 253-9826

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

CZM Contact: John Nakagawa, 587-2878, john.d.nakagawa@hawaii.gov

Comments Due: June 6, 2016

Special Management Area Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the relevant county/State planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-7-024: 005 and 006)	Driveway and Landscaping Improvements (SMM 16-350)	Coy A. Stout, II and Jeffrey S. Falk
Kaua'i: Nawiliwili (3-2-004: 016)	Authorizing the Installation of Underground Fuel Lines (SMA(M)-2016-6)	Kaua'i Petroleum Company, Ltd.
Maui: Lahaina (4-3-010: 004)	Valley Isle Resort Emergency Beach Repair Project – Installation of Sandbags (SM2 20160040)	Sharon Wright
O'ahu: Kahe Point (9-2-049: 006)	46 kV Potential Transformers at the Kahe Generating Station (2015/SMA-51)	Hawai'i: Electric Company (HECO) / Tritum 3
O'ahu: Kamanamu (6-6-013: 011 to 013, and 6-6-014: 015)	Haleiwa Elementary School New Parking Lot Gates (2016/SMA-8)	State of Hawaii Department of Education / Franklin Wong & Associates Ltd.

SHORELINE NOTICES

Shoreline Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
MA-643	5/5/16	A Portion of Land Patent Grant 4973 to Walter M. Giffard situate at Olowalu, Lahaina, Maui. Address: 39724 Hon-oapiilani Highway. Purpose: Renovations to house permit	Akamai Land Surveying, Inc./ Walter D. Stakelbeck & Zenda Stakelbeck	(2) 4-8-003:002
MA-644	5/11/16	A Portion of Royal Patent Grant 3343 to Claus Spreckels situate at Spreckelsville, Paia, Maui. Address: 318 Paani Place. Purpose: County requirement for permit	Akamai Land Surveying, Inc./ Seaview 2004, Inc.	(2) 3-8-002:001
HA-531	5/10/16	Lot 2 being a portion of L.C. Aw. 7073, Ap. 1 to Kapae situate at Kahului 2 nd , North Kona, Hawaii. Address: 75-5992 Alii Drive. Purpose: County building permit	Wes Thomas Associates/ Wesley & Kelley Huggett	(3) 7-5-019:030

Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/ Rejected	Location	Applicant/Owner	TMK
MA-640	Proposed Shoreline Certification	Lot 8-A of Boteilho Subdivision and Portion of Lot 16 of Nahiku Homesteads Being Portions of Royal Patent 4488, Land Commission Award 10512 to Nahuina, Grant 4522 to Manoel Cabral and Grant 4579 to Jacinth D'Estrella situate at Koolau, Nahiku, Maui. Address: Old King's – Lower Nahiku Road. Purpose: SLU District Boundary purposes	Reed M. Ariyoshi/ Mangalam Limited	(2) 1-2-003:010 & 049
KA-408	Proposed Shoreline Certification	Allotment 9-A Moloaa Hui Land situate at Moloaa Hui Lots, Kawaihau, Kauai Address: 6610 Moloaa Road Purpose: Shoreline setback	Esaki Surveying & Mapping, Inc./ Bill Campbell	(4) 4-9-014:007
KA-409	Proposed Shoreline Certification	Portion of Allotment 10-A Moloaa Hui Land situate at Moloaa Hui Lots, Kawaihau, Kauai Address: Moloaa Road Purpose: Shoreline setback	Esaki Surveying & Mapping, Inc./ Bill Campbell	(4) 4-9-014:006
MA-621	Rejection	Portion of Grant 3152 to H. Cornwell, being also portions of Lot 16 & Lot 17 of Maalaea Beach Lots situate at Maalaea, Waikapu, Maui Address: 220 Hauoli Street Purpose: Determine shoreline setback	Ronald M. Fukumoto Engineering, Inc./ Nellie's on Maui, Ltd.	3-8-014:008
MA-622	Rejection	Lot 54 of Land Court Application 1744 as shown on Map 19 "Whaler Village Shopping Complex" being a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3 to Lota Kamehameha situate at Hanakao, Lahaina, Maui. Address: 2435 Kaanapali Parkway. Purpose: Building and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ WV Sub, LLC	4-4-008:001

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register, gleaned from a search of Hawai'i-based entries published since the last issue of The Environmental Notice. For the PDF file click on the title link, also available at <http://www.gpo.gov/fdsys/>

1. Final Rule: Hawaiian Homes Commission Act and the Hawaiian Home Lands Recovery Act.

This final rule concerns Land Exchange Procedures and Procedures to Amend the Hawaiian Homes Commission Act, and becomes effective July 12, 2016. It is intended to provide clarity in how the Department of the Interior administers certain provisions of the Hawaiian Homes Commission Act and the Hawaiian Home Lands Recovery Act. It facilitates the goal of the rehabilitation of the Native Hawaiian community, including the return of native Hawaiians to the land, consistent with the Hawaiian Homes Commission Act, the State of Hawai'i Admission Act, and the Hawaiian Home Lands Recovery Act. The rule clarifies the land exchange process for Hawaiian home lands, the documents required for land exchanges, and the respective responsibilities of the Department of the Interior, the Department of Hawaiian Home Lands, the Hawaiian Homes Commission, and other entities engaged in land exchanges of Hawaiian home lands. It also identifies the documentation requirements and the responsibilities of the Secretary of the Interior in the approval process for State of Hawaiis proposed amendments to the Hawaiian Homes Commission Act, 1920. FOR FURTHER INFORMATION CONTACT: Ka'i'ini Kimo Kaloi, Director, Office of Native Hawaiian Relations, telephone (202) 208-7462 (see, 81 F.R. 29776, May 13, 2016).

2. Partial Withdrawal of Direct Final Rule: Technical Correction for Eight Wildlife Species

The U.S. Fish and Wildlife Service (Service), are withdrawing, in part, a February 17, 2016, direct final rule that revises the taxonomy of eight wildlife species under the Endangered Species Act of 1973, as amended (Act). For the Newell's Townsend's shearwater (*Puffinus auricularis newelli*), the Service received significant adverse comments relating to additional scientific research relevant to its taxonomic classification; therefore, the Service is withdrawing the amendments in the direct final rule for this species only. The amendments in the direct final rule for the other seven species (Oahu elepaio (*Chasiempis ibidis*), Kauai akialoa (*Akialoa stejnegeri*), akiapolaau (*Hemignathus wilsoni*), Kauai nukupuu (*Hemignathus hanapepe*), Maui nukupuu (*Hemignathus affinis*), Hawaii akepa (*Loxops coccineus*), and Maui akepa (*Loxops ochraceus*)) will be effective on May 17, 2016. DATES: Effective May 11, 2016, the Service withdraws amendatory instructions 2.f and 2.g published at 81 FR 8007 on February 17, 2016. ADDRESSES: The direct final rule may be found online at <http://www.regulations.gov> under Docket No. FWS-R1-ES-2016-0006. FOR FURTHER INFORMATION CONTACT: Marilet Zablan, Program Manager for Restoration and Endangered Species Classification, U.S. Fish and Wildlife Service, Pacific Regional Office, Ecological Services, 911 NE 11th Avenue, Portland, OR 97232; telephone 503-231-6131 (see, 81 F.R. 29165, May 11, 2016).

3. Public Meetings and Hearings: Fisheries

The Western Pacific Fishery Management Council (Council) will hold its 123rd Scientific and Statistical Committee (SSC) meeting and its 166th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also hold meetings of its advisory groups, namely: (1) The Guam Regional Ecosystem Advisory Committee (REAC); (2) Commonwealth of the Northern Mariana Islands (CNMI) REAC; (3) Joint Guam and CNMI Marianas Advisory Panel (AP); (4) Fishery Data Collection and Research Committee (FDCRC); (5) Program Planning and Research Standing Committee; and (6) Executive and Budget Standing Committee. The meetings will be held between May 31, 2016 and June 10, 2016. The 123rd SSC will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522-8220. The Guam REAC will be held at Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam 96913, phone (671) 646-1835. The CNMI REAC and Joint Guam and CNMI Marianas AP, will be held at Saipan Fiesta Resort and Spa, P.O. Box 501029, Saipan, MP 96950, telephone: (670) 234-6412. The FDCRC, Program Planning and Research Standing Committee, and Executive and Budget Standing Committee will be held at the Hyatt Regency Saipan, Royal Palm Avenue, Micro Beach Road, Garapan, Saipan, MP 96950 Saipan, telephone: (1-670) 234-1234. The first two days of the 166th Council meeting will be held at Saipan Fiesta Resort and Spa, P.O. Box 501029, Saipan, MP 96950, telephone: (670) 234-6412 and the last two days at the Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam 96913, telephone: (671) 646- 1835. For meeting details, please click on the link in the above title. FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522-8220 (see, 81 F.R. 30240, May 16, 2016).

4. Proposed 'A'o (Newell's Shearwater) Management Actions Draft EA

The Kilauea Point National Wildlife Refuge announced the availability of a Draft Environmental Assessment (DEA) for proposed management actions. Prepared under the National Environmental Policy Act, the DEA discusses the current status of 'A'o on Kaua'i, alternative management measures, and possible environmental effect. The DEA will serve as the basis of a decision on which alternative to implement. The DEA is available by clicking on the link in the title above. For more information, please contact Heather Tonneson, Project Manager, at (808) 828-1413 (see, May 3, 2016, letter from FWS).

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPEN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPEN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPEN must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPEN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPEN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for [Habitat Conservation Plans](#) (HCP), [Safe Harbor Agreements](#) (SHA), or [Incidental Take Licenses](#) (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

